

O I P E  
NOV 01 2004  
PATENT & TRADEMARK OFFICE

Please type a plus sign (+) inside this box → **+**

(Modified) PTO/SB/21 (6-98)  
Approved for use through 09/30/2000. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

21

Application Number

10/686,945

Filing Date

October 16, 2003

First Named Inventor

Erik Karrer

Group Art Unit

1644

Examiner Name

Attorney Docket Number

0241us320

## ENCLOSURES (check all that apply)

- ☒ Fee Transmittal Form  
☐ Fee Attached
- ☒ Amendment / Response  
☐ After Final  
☐ Affidavits/declaration(s)
- ☒ Extension of Time Request  
plus 1 copy
- ☐ Express Abandonment Request
- ☒ Information Disclosure Statement
- ☐ Certified Copy of Priority  
Document(s)
- ☒ Response to Missing Parts/  
Incomplete Application
- ☒ Response to Missing  
Parts under 37 CFR  
1.52 or 1.53

- ☐ Assignment Papers  
(for an Application)
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition Routing Slip (PTO/SB/69)  
and Accompanying Petition
- ☐ Petition to Convert to a  
Provisional Application
- ☐ Power of Attorney, Revocation  
Change of Correspondence  
Address
- ☐ Terminal Disclaimer
- ☐ Small Entity Statement
- ☐ Request for Refund

- ☐ After Allowance Communication  
to Group
- ☐ Appeal Communication to Board  
of Appeals and Interferences
- ☐ Appeal Communication to Group  
(Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Additional Enclosure(s)  
(please identify below):

- Copy of Notice of Missing Parts (2 pp.);
- Copy of Form PTO-SB/08 (3 pp.) and  
Form PTO-892 (1 p.) from parent  
application USSN 09/704,469
- Postcard

### Authorization to Charge Deposit Account

Please charge Deposit Account No. 50-0990 for any additional fees associated with this paper or during the pendency of this application, including any extensions of time for consideration of the documents enclosed.

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm  
or  
Individual name

Joanne R. Petithory Maxygen, Inc. Reg. No. 42,995

Signature

Joanne R. Petithory

Date

Oct 26, 2004

## Certificate of Mailing under 37 C.F.R. §1.8

I hereby certify that this is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria VA 22313-1450, Mail Stop: Missing Parts on this date:

Typed or Printed Name: Joanne R. Petithory

Date: Oct 27, 2004

Signature: Joanne R. Petithory

# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) **2164**

## Complete if Known

Application Number	10/686,945
Filing Date	October 16, 2003
First Named Inventor	Erik Karrer
Examiner Name	
Art Unit	
Attorney Docket No.	0241us320

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number  
Deposit  
Account  
Name

50-0990

Maxygen, Inc.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee	790
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			790

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
20	-20** = 0	X 0	0
Independent Claims	6	-3** = 3	X 88 = 264
Multiple Dependent			0

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim, if not paid
1204 88	2204 44	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) **264**

\*\*or number previously paid, if greater. For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	130
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 880	2253 490	Extension for reply within third month	980
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,370	2501 685	Utility issue fee (or reissue)	
1502 490	2502 245	Design issue fee	
1503 660	2503 330	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) **1110**

## SUBMITTED BY

Name (Print/Type)	Joanne R. Petithory	Registration No. (Attorney/Agent)	42,995	Telephone	(650) 298-5300
Signature	<i>Joanne R. Petithory</i>	Date	10/26/04		

## Certificate of Mailing under 37 C.F.R. §1.8

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Typed or Printed Name: Joanne R. Petithory

Date: Oct 27, 2004

Signature: *Joanne R. Petithory*



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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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On Oct. 27, 2004

By Joanne R. Petithory  
Joanne R. Petithory

Attorney Docket No. 0241us320

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Erik Karrer, *et al.*

Application No: 10/686,945

Filed: October 16, 2003

For: Antibody Diversity Generation

Examiner: Unassigned

Art Unit: 1644

RESPONSE TO NOTICE  
OF MISSING PARTS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Mail-Stop: Missing Parts

Sir:

In response to the "Notice to File Missing Parts of Nonprovisional Application" mailed from the Patent Office on June 1, 2004, enclosed are the following to be made of record in the above-identified application:

1. Transmittal Form;
2. Fee Transmittal Sheet;
3. Request for Extension of Time;
4. Preliminary Amendment;
5. Copy of Notice of Missing Parts;
6. Information Disclosure Statement, including a request to use reference copies previously submitted in parent application USSN 09/704,469;

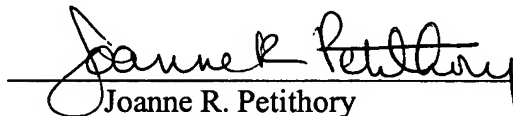
Erik Karrer, et al.  
Application No: 10/686,945  
Page 2 of 2  
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7. Copies of Form PTO-SB/08 (3 pp.) and Form PTO-892 (1 p.) from parent application USSN 09/704,469; and
8. Return Acknowledgement Postcard.

Please charge a total of \$2164.00 (\$790.00 Filing Fee, \$264.00 Additional Claim fee, \$980.00 for 3-Month Extension of Time plus \$130.00 surcharge) to Deposit Account No: 50-0990. Please charge any additional fees, or credit any overpayment, to Deposit Account No. 50-0990.

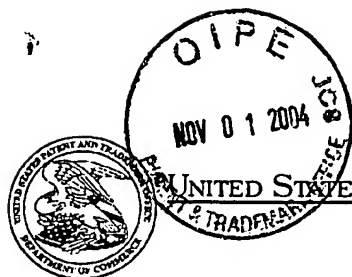
Respectfully submitted,

October 26, 2004

  
Joanne R. Petithory  
Reg. No. 42,995

MAXYGEN, INC.  
Patent Department  
515 Galveston Drive  
Redwood City, California 94063  
Telephone: (650) 298-5300  
Facsimile: (650) 298-5446

Customer No. 30560



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/686,945	10/16/2003	Erik Karrer	0241us320

CONFIRMATION NO. 4598

## FORMALITIES LETTER



\*OC000000012817333\*

30560  
 MAXYGEN, INC.  
 INTELLECTUAL PROPERTY DEPARTMENT  
 515 GALVESTON DRIVE  
 RED WOOD CITY, CA 94063

Date Mailed: 06/01/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$1934 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$2834** for a Large Entity

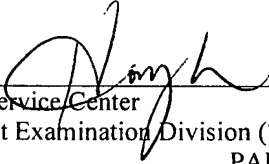
- |                                             |                                             |
|---------------------------------------------|---------------------------------------------|
| • \$770 Statutory basic filing fee.         | 11/02/2004 WASFAW1 00000063 500990 10686945 |
| • \$130 Late oath or declaration Surcharge. | 01 FC:1001 790.00 DA                        |
|                                             | 02 FC:1201 264.00 DA                        |
|                                             | 03 FC:1051 130.00 DA                        |
- Total additional claim fee(s) for this application is **\$1934**

- \$258 for 3 independent claims over 3.
- \$1386 for 77 total claims over 20.
- \$290 for multiple dependent claim surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE